

Entered - 03/20/03 - sb  
CL03L0217 - DIANNE C. MITCHELL

CLAIM OF: **NATIONWIDE MORTGAGE SERVICES, INC.,**  
through its attorney,  
**Joseph D. Buccellato**  
4784 Roswell Road  
Atlanta, Georgia 30342

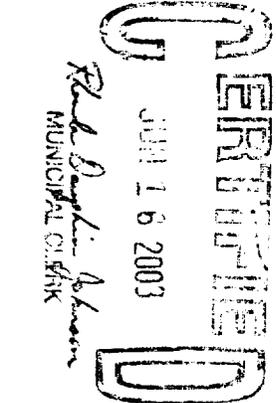
**03-R-0887**



For damages alleged to have been sustained as a result of the wrongfully placing of an In-Rem lien on its property at 2000 Perry Boulevard on November 21, 2002.

THIS ADVERSED REPORT IS APPROVED

BY: \_\_\_\_\_  
**JERRY L. DELOACH**  
**DEPUTY CITY ATTORNEY**



ADVERSED BY  
COUNCIL  
JUN 16, 2003

**ADVERSE REPORT**

COMM: 6/10/03

DATE: \_\_\_\_\_

CHAIR: \_\_\_\_\_

Mary Norwood

[Signature]

C. T. Murr

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

June 27, 2003

Joseph D. Buccellato  
Attorney at Law  
4784 Roswell Road  
Atlanta, GA 30342

03-R-0887

RE: Nationwide Mortgage Service, Inc.

Dear Attorney Buccellato:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on June 16, 2003. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 03L0217

Date: May 27, 2003

Claimant /Victim NATIONWIDE MORTGAGE SERVICES, INC.

BY: (Atty.) Joseph D. Buccellato

Address: 4785 Roswell Road, Atlanta, Georgia 30342

Subrogation: Claim for Property damage \$ Bodily Injury \$

Date of Notice: 03/17/03 Method: Written, proper X Improper     

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 11/21/02 Place: 2000 Perry Boulevard

Department Planning, Development and Neighborhood Conservation Bureau: Housing

Employee involved      Disciplinary Action:     

NATURE OF CLAIM: The claimant alleges the City improperly placed an In-Rem demolition lien on its property. The claimant filed a lawsuit to resolve the issues raised in its claim and the City has agreed to remove the lien from its property.

INVESTIGATION:

Statements: City employee      Claimant      Others      Written      Oral     

Pictures      Diagrams      Reports: Police      Dept Report X Other     

Traffic citations issued: City Driver      Claimant Driver     

Citation disposition: City Driver      Claimant Driver     

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial     

Improper Notice      More than Six Months      Other X Damages reasonable     

City not involved      Offer rejected      Compromise settlement     

Repair/replacement by Ins. Co.      Repair/replacement by City Forces     

Claimant Negligent      City Negligent      Joint      Claim Abandoned     

Respectfully submitted,

  
INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$      Adverse X Account charged: 1A01      2J01      2H01      2P01     

Claims Manager:      Concur/date 05-27-03

Committee Action:      Council Action







		6/16/03 Full Council Meeting
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 03-O-0906	34. 03-R-0855	45. 03-R-0866
2. 03-O-0911	35. 03-R-0856	46. 03-R-0867
3. 03-O-0905	36. 03-R-0857	47. 03-R-0868
4. 03-O-0764	37. 03-R-0858	48. 03-R-0869
5. 03-O-0914	38. 03-R-0859	49. 03-R-0870
6. 03-O-0667	39. 03-R-0860	50. 03-R-0871
7. 03-O-0671	40. 03-R-0861	51. 03-R-0872
8. 03-O-0839	41. 03-R-0862	52. 03-R-0873
9. 03-O-0908	42. 03-R-0863	53. 03-R-0874
10. 03-O-0910	43. 03-R-0864	54. 03-R-0875
11. 03-O-0912	44. 03-R-0865	55. 03-R-0876
12. 03-R-0851		56. 03-R-0877
13. 03-R-0853		57. 03-R-0878
14. 03-R-0854		58. 03-R-0879
15. 03-R-0922		59. 03-R-0880
16. 03-R-0927		60. 03-R-0881
17. 03-R-0928		61. 03-R-0882
18. 03-R-0891		62. 03-R-0883
19. 03-R-0894		63. 03-R-0884
20. 03-R-0921		64. 03-R-0885
21. 03-R-0890		65. 03-R-0886
22. 03-R-0893		66. 03-R-0887
23. 03-R-0895		67. 03-R-0888
24. 03-R-0903		
25. 03-R-0938		
26. 03-R-0848		
27. 03-R-0849		
28. 03-R-0892		
29. 03-R-0918		
30. 03-R-0919		
31. 03-R-0923		
32. 03-R-0924		
33. 03-R-0897		

Consent I Vote: 10Yeas; 0Nays: (See RCS #4836)

Items Removed from the Consent Agenda: 03-O-0913; 03-O-0693; 03-O-0668; 03-O-0669; 03-O-0929